

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 73685

Nancy Sorto  
Selvin Calderon

7038 Windsor Mill Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on April 28, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-312; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1, 428, 1B01.1D, 433, 101, 102.1, failure to cease illegal parking/storage of (2) commercial unlicensed vehicles, failure to cease illegal parking/storage of unlicensed vehicle, failure to cease illegal storage of contractor's equipment storage yard, failure to clean exterior premise of all junk, trash and debris on residential property zoned DR 5.5 known as 7038 Windsor Mill Road, 21207.

On April 6, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Paul Cohen issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$27,200.00 (twenty seven thousand two hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 4, 2010 for removal of all untagged/inoperative motor vehicles, remove open dump/junk yard, remove commercial vehicles, cease nuisance, remove trash and debris, remove contractor's equipment. This Citation was issued on April 6, 2010.

B. Court records show this residential property is in foreclosure proceedings. Notes in the file by Inspector Paul Cohen state that the property is currently vacant, and also state that on March 4, 2010, an occupant of the house told him that the owners did not live in the house.

C. Photographs in the file show two commercial trucks without license plates parked outside next to the house. Both trucks have large quantities of junk and debris piled in the open truckbed. One truck is partially wrecked and does not appear to be operable. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondents have exceeded this limitation. A commercial vehicle exceeding 10,000 pounds gross vehicle weight or gross combination weight may not be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle. BCZR Section 431.1. Both trucks must be removed from the property.

D. Photographs in the file also show two trailers without license plates and full of junk and debris. A recreational trailer can be stored outside in certain locations on a residential lot, but must have a current license. BCZR Section 415A.1.

E. Photographs show junk, trash and debris piled in the truckbeds of both commercial trucks. Photographs also show junk and debris in the yard including scrap metal, an old tire and other auto parts, bagged garbage, broken furniture, lumber, an old pickup truck cover, tools, and contractor supplies including roofing shingles. Re-inspection on April 27, 2010 found no improvement. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309,

Section 13-7-310. This also violates zoning regulations that prohibit using residential property for a contractor's equipment storage yard. Under Baltimore County Zoning Regulations, a contractor's equipment storage yard is the use of any space, inside or outside a building, for the storage or keeping of contractor's equipment or machinery, including building materials storage. BCZR Section 101.1. The zoning regulations do not permit use of residential property for a contractor's equipment storage yard. BCZR Section 102.1 ("No land shall be used or occupied and no building or structure shall be erected, altered, located or used except in conformity with these regulations...."); BCZR Section 1B01.1, General use regulations in D.R. Zones; see BCZR Article 2, Schedule of Special Exceptions, 2 Attachment 1:1 (chart showing this use prohibited in all residential zones; use permitted by special exception in B.R. zone, and permitted in M.L. and M.H. zones).

F. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below. If the violations are not corrected, the County will be authorized to correct the violations at the property owner's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$5,000.00 (five thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$200.00 (two hundred dollars) if the violations are corrected by May 24, 2010.

IT IS FURTHER ORDERED that after May 24, 2010, the County may enter the property for the purpose of removing the commercial vehicles; removing untagged trailers; and/or removing all junk, trash, garbage, and debris, at the expense of the property owner.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

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IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 4<sup>th</sup> day of May 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

MZF/jaf